

US EPA ARCHIVE DOCUMENT

1 U.S. ENVIRONMENTAL PROTECTION AGENCY
2 PUBLIC HEARINGS
3 REGARDING EPA OBJECTIONS TO 36 DRAFT NPDES PERMITS
4 FOR DISCHARGES ASSOCIATED WITH COAL MINING

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9 Transcript of Public Hearing held on
10 June 7, 2012, commencing at 12 noon
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16 Eastern Kentucky Exposition Center
17 126 Main Street
18 Pikeville, Kentucky
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22 Lisa M. Schwarze, RPR, KyCCR
23 Registered Professional Reporter
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1 MS. MacPHERSON: Welcome everyone. My
2 name is Charlie MacPherson, and I'm going to be
3 the facilitator for this afternoon's hearing. My
4 job today is to try to get as many people to share
5 their comments and to maintain a safe and secure
6 environment for all of us. So to help achieve
7 those objectives, I just want to review a couple
8 of the ground rules. Everyone should have
9 received or picked up an agenda that are on the
10 back tables or as you came in. If you don't have
11 one, you may want to get one in the back. It has
12 the ground rules on it.

13 The first thing we want to do is just make
14 sure we show courtesy to all the speakers and
15 minimize any disruptions. All that's going to do
16 is slow down the process and we may not be able to
17 hear from everyone today. Also, for the speakers
18 we have set time limits; again, just so we can
19 hear from as many people as possible. And please
20 adhere to those time limits. We will be having a
21 clock up on the screen to help you with that, so
22 you shouldn't have any trouble there.

23 Also, if you have any cell phones or pagers,
24 if you could please turn those to vibrate or off.
25 And if you will be having any conversations or

1 need to make a call, please go outside of the
2 hearing area; again, just as a courtesy for
3 speakers.

4 As you can see, to my left we do have sign
5 language interpreters today for anyone who may
6 need that service. I don't think, as far as I
7 know, that there is anyone that needs it. But if
8 there is, could you please stand up so we can make
9 sure that you are close to the stage. Okay, I
10 don't see anyone. But we will keep them for the
11 first part of the hearing just to make sure we
12 have that covered.

13 Also on your agenda, on the back side is a
14 form that you can use to submit any written
15 comments you have today. You can leave those
16 comments out by the registration table. I want
17 everyone to know that these comments as well as
18 your oral statements today or any other materials
19 that you submit will be made part of the
20 administrative record. We will also be making a
21 full transcript of today's hearing. So that if
22 you are speaking, please speak very clearly so the
23 court reporter can capture all of that
24 information.

25 We will be calling the speakers in groups, in

1 blocks of 10 to 20. And when I call your number,
2 I'd like you to go to the back area, near the
3 entrance where you came in, where you'll meet with
4 our facilitation staff and they'll just give you a
5 briefing on the process for making statements.

6 So at this time, I would like the first block
7 of 1 to 20. And you should have, if you have
8 signed up to speak, you should have a blue form.
9 And even if you signed up on-line to speak, at the
10 registration table you should have picked up a
11 blue form. Okay, so those with numbers 1 through
12 20. Please go to the back right of the room, to
13 the person holding up the 1 and 2 sign. And I'll
14 be giving more instructions when it is time to
15 make the oral statements, just to be clear to
16 everyone.

17 But at this time, I would like to turn it
18 over to Mr. Jim Giattina, who is the presiding
19 officer for this hearing.

20 MR. GIATTINA: Thank you, Charlie. Good
21 afternoon. I'm Jim Giattina. I'm Director of the
22 Water Protection Division for the
23 U.S. Environmental Protection Agency's regional
24 office in Atlanta, Georgia. The EPA's Regional
25 Administrator has designated me to conduct this

1 public hearing. I have with me this evening
2 Mr. Mark Nuhfer, who is chief of our municipal and
3 industrial permit section. And I certainly want
4 to thank the City of -- of -- of --

5 AUDIENCE MEMBERS: Pikeville.

6 MR. GIATTINA: Pikeville. Thank you. For
7 their -- I should probably use my glasses.

8 The City of Pikeville for their hospitality
9 in allowing us to conduct this hearing.

10 Let me start by thanking you for taking the
11 time to be here this afternoon. We recognize that
12 coal mining operations are critically important in
13 Kentucky and for meeting our energy needs as a
14 nation. We recognize that many of you are worried
15 about jobs. We also know that you are concerned
16 about the impacts mining may have on your health
17 and environment. The purpose of this hearing is
18 to listen to your concerns, especially as they
19 relate to the 36 permits the EPA has objected to
20 that are the subject of this hearing.

21 I want to note that EPA and the Kentucky
22 Energy and Environment Cabinet have been working
23 over the past two years to identify a set of
24 common sense practices and appropriate permit
25 conditions that we believe will protect and

1 improve water quality while addressing the
2 industry's concern for clarity and cost
3 effectiveness. Most of these practices have been
4 developed by experts here in Kentucky and are
5 beginning to be implemented at local mines. For
6 example, some mining companies are redesigning
7 mines to reduce the number, size, and location of
8 fills. They are more carefully monitoring
9 pollution levels of instream biology at their
10 mines and using realtime adaptive management
11 techniques to prevent problems downstream. They
12 are beginning to find, target, and isolate
13 specific sources of pollutants to keep them away
14 from the water. And this is the kind of
15 innovation and care that will help ensure coal
16 mining remains a vibrant part of the local
17 economy.

18 Our desire at EPA is for the Commonwealth to
19 move forward and issue permits that require these
20 kinds of innovative approaches and that have
21 appropriate pollutant limits to protect water
22 quality. Let me briefly give you some additional
23 background information that is important for you
24 to understand as you make your oral or written
25 comments. The permits we are discussing are water

1 discharge permits, known as National Pollutant
2 Discharge Elimination System, or NPDES, permits.
3 These are required by the Clean Water Act. An
4 NPDES permit is the basic tool for controlling
5 water pollution, and it contains conditions and
6 limitations to protect water quality and its many
7 uses, such as fishing, swimming, canoeing, and as
8 a source of drinking water. The Clean Water Act
9 requires that NPDES permits include pollutant
10 limits stringent enough to ensure that discharges
11 do not cause violations of the Commonwealth's own
12 water quality standards.

13 As part of the permitting process, Kentucky
14 provides copies of draft NPDES permits for EPA --
15 to EPA for our review. And since August of 2009,
16 based on information provided by the Kentucky
17 Division of Water, the Division has issued
18 individual NPDES permits for approximately 87
19 surface mining projects and 28 underground mines
20 or coal preparation plants. Additionally, the
21 Division has allowed approximately 2,500 new and
22 existing coal mining projects to proceed under its
23 general permit authority. Over the past two
24 years, the EPA has objected to the issuance of a
25 number of permits drafted by the Division, 36 of

1 which remain and are the subject of this hearing.

2 While the majority of mining projects that
3 need NPDES permits in Kentucky have received
4 authorization to go forward, the EPA remains
5 concerned with mining discharges. In 2010, the
6 Kentucky Division of Water estimated that at least
7 1,522 miles of Kentucky's rivers and streams are
8 threatened or impaired due to mining. Recent
9 studies, as well as the experience of coalfield
10 communities, point to new environmental challenges
11 largely unknown even 10 years ago. Sediment,
12 salts, and metals that runoff from poor mining
13 practices can destroy the habitat that sustains
14 fish and other forms of aquatic life in eastern
15 Kentucky waterways. They threaten sources of
16 drinking water and can affect the quality of life
17 for the people of this region. Our objections to
18 these 36 draft permits are based on the same
19 fundamental concern, that permits must be strong
20 enough to control pollution from these mines,
21 pollution that can harm human life and aquatic
22 life.

23 So this afternoon we are here to listen to
24 the concerns you have about these permits. In
25 particular, it is important that we receive any

1 specific information you have with regard to these
2 mines and the waters they discharge to.

3 Now, I know we are limited in how many people
4 can speak today. I encourage everyone who is
5 interested in contributing comments and unable to
6 speak tonight to do so in writing. And the
7 contact information is provided at the table in
8 the back. The public comment period will close on
9 June 21st. I want to emphasize at this point that
10 no final decisions have been made. After
11 considering all of the comments, the data and
12 information received on the permit objections,
13 EPA's Regional Administrator in Atlanta will make
14 a decision to reaffirm, modify, or withdraw each
15 of the original objections. Once these decisions
16 have been made, we will notify the Kentucky
17 Division of Water, each of the permit applicants,
18 and all of those who have registered and provided
19 a mailing address. Our decisions will also be
20 posted on EPA's website.

21 If we withdraw any objections, the Kentucky
22 Division of Water will be able to move forward and
23 issue those permits. If we reaffirm or modify any
24 objections, the Division of Water can send us
25 revised draft permits within 30 days that address

1 our concerns. If for some reason we cannot reach
2 agreement with the Division, then EPA will issue a
3 permit for those particular mines. However, as I
4 said earlier, I am hopeful that we will be
5 successful in reaching agreement on these permits
6 and that the State can move forward with issuing
7 them. So this is our opportunity to hear directly
8 from you.

9 I want to thank you again for being here and
10 for participating in this process. And at this
11 time, I'll turn it back to Charlie, who will
12 facilitate the remainder of the hearing. Thank
13 you.

14 MS. MacPHERSON: Thanks, Jim. I just want to
15 remind, if anyone has a speaker number 1 through
16 20, at this time you should go in the back of the
17 room. Can you free yourself from the tape there?
18 Just rip it off. That's okay. Terrific.

19 So at this time, I would like to introduce
20 Secretary Peters of the Kentucky Energy and
21 Environment Cabinet to make opening remarks, who
22 will be followed by Commissioner Bruce Scott of
23 the Kentucky Department for Environmental
24 Protection.

25 SECRETARY PETERS: Thank you very much,

1 Charlie. I appreciate it. Good afternoon. And
2 it is always a pleasure to be in Pike County and
3 in Pikeville. Okay, it is always a pleasure to be
4 here.

5 I am Len Peters, and I am Secretary of
6 Kentucky's Energy and Environment Cabinet. And on
7 behalf of Governor Steve Beshear, I want to thank
8 Region 4 for conducting this hearing to receive
9 comments on their objections to Clean Water Act
10 permits for surface mining operations in eastern
11 Kentucky.

12 Today's hearing is unprecedented in Kentucky.
13 Also unprecedented is the State feeling compelled
14 by matters of principle to sue the U.S. EPA, which
15 we did in 2010 because of what we deemed to be
16 arbitrary and inconsistent application of policies
17 governing mining operations. My comments today
18 regarding EPA's objections to these permits,
19 therefore, are consistent with the concerns we
20 have expressed for more than two years now
21 regarding this issue.

22 As someone responsible for overseeing the
23 State's environmental protection programs, I
24 support and I am, in fact, obligated to enforce
25 regulations necessary to protect our land, air,

1 and water resources. We can and must do all that
2 is reasonably possible to protect our environment
3 and the lives and health of our citizens. We have
4 federal and state laws and regulations that not
5 only guide this process but that bind us so that
6 our decisions are not arbitrary, political, or
7 otherwise without basis. Environmental permitting
8 is not designed to stop legitimate business
9 activities, whether we are talking about a mining
10 activity, a manufacturing facility, or a water
11 treatment plant. Rather, permitting is to ensure
12 these activities are done in accordance with
13 existing laws and regulations. Regulators and a
14 regulated community need certainty in this
15 process. In addition, regulators and a regulated
16 community need to be assured the decisions are
17 made fairly and reasonably based on accepted
18 scientific studies and analysis.

19 The Energy and Environment Cabinet and the
20 U.S. EPA have an important partnership, and we
21 share the same mission, to protect human health
22 and the environment and to ensure environmental
23 protection laws and regulations are implemented
24 and enforced fairly and reasonably. Kentucky
25 cannot simply reject surface mining permit

1 applications that are in accordance with existing
2 laws and regulations. Despite the rhetoric from
3 some, surface mining, including mountaintop
4 removal mining, is a legal form of mining that
5 occurs on privately-owned land. We follow the
6 federal Surface Mining Control and Reclamation
7 Act, the Clean Water Act, and other federal
8 provisions in operating the Kentucky program.
9 Coal can be and is being mined in an
10 environmentally responsible manner. We continue
11 to make improvements, and the industry has been
12 willing to do things better. For example, the
13 Beshear Administration initiated a novel approach
14 to ensuring enhanced environmental protection of
15 surface mining operations through a fill
16 minimization protocol, a protocol that should have
17 been embraced by the EPA but was not.

18 All sources of energy production in use, even
19 renewables, have an environmental impact. But
20 existing laws and regulations are in place to
21 minimize impacts and to reclaim mined land. That
22 is why it is disconcerting to us that EPA has
23 applied a specific benchmark, that is
24 conductivity, to Appalachian coal mining, a
25 de facto standard that has been based on what

1 should be very narrowly interpreted incomplete
2 science, not one that should be a surrogate
3 measure of overall water quality.

4 I read an opinion piece in the paper this
5 week that even misrepresents the facts by saying
6 that conductivity is a measure of contamination.
7 The EPA knows and I know that simply is not true,
8 and yet many people do not know otherwise.
9 Governor Beshear and I recognize and respect that
10 EPA has a responsibility and obligation to revise
11 and update regulations and program requirements as
12 necessary to protect human health and the
13 environment. However, EPA should not create new
14 regulatory requirements that have not undergone
15 the appropriate Congressional or rulemaking
16 processes. As it is, the EPA is preventing
17 through its objection process Kentucky, a
18 delegated state, from issuing permits with no
19 recourse for us or for the regulated community or
20 for the thousands of Kentuckians who depend on
21 mining for their livelihoods. We should not allow
22 a few studies, studies that have credible
23 counterpoints, to determine the economic destiny
24 of one region of the country. We have allowed
25 rhetoric and misinformation to overwhelm what

1 should be a legitimate discussion on very
2 important issues, jobs, human health, the
3 environment, and a rational application of
4 administrative oversight.

5 I will close by saying that I appreciate the
6 efforts of the staff within Region 4. They worked
7 closely with our Cabinet to arrive at a solution
8 to move these permits forward. We were assured by
9 headquarters that if we were to reach an
10 agreement, which we did, that EPA would honor that
11 agreement. Unfortunately, that ultimately was
12 simply not the case. And many months later, we
13 are still experiencing the consequences of
14 headquarter's actions. Thank you for the
15 opportunity to speak.

16 (Applause)

17 COMMISSIONER SCOTT: Good afternoon. My name
18 is Bruce Scott. I am the Commissioner of the
19 Kentucky Department for Environmental Protection.
20 Thank you for the opportunity to provide comments
21 today regarding the EPA's pending objections to 36
22 draft KPDES permits for discharges associated with
23 coal mining operations in eastern Kentucky.

24 The Commonwealth of Kentucky has been
25 delegated authority by U.S. EPA to administer the

1 NPDES program in Kentucky since 1983. Since 1983,
2 there have been tens of thousands of NPDES permits
3 proposed and issued by Kentucky for wastewater and
4 storm water discharges across the Commonwealth,
5 ranging from individual homes, to cities, to
6 industries, and to coal mining operations. The
7 Agency is aware of only one prior instance where
8 an EPA permit objection of the Kentucky proposed
9 draft of the NPDES permit may have occurred. That
10 was approximately 25 years ago for an industrial
11 operation. No previously proposed NPDES permit
12 for a coal mining operation has ever previously
13 been objected to. However, since April of 2010,
14 the EPA has objected to approximately 40 proposed
15 NPDES individual coal mining permits and has
16 approved only one individual NPDES permit for a
17 new or expanded surface mine operation in eastern
18 Kentucky.

19 Since receiving NPDES program delegation in
20 1983, Kentucky has maintained conformance with
21 federal EPA regulatory requirements. Simply
22 stated, Kentucky's regulations and regulatory
23 requirements are the same as the federal EPA
24 regulations and regulatory requirements. With
25 regard to the 36 permit objections subject to the

1 public hearing here today, it is noteworthy to
2 point out that EPA has not made any changes to the
3 federal NPDES regulations that are subject to
4 these permits since April of 2010. In addition,
5 there have been no changes to the applicable state
6 or federal water quality standards that apply to
7 Kentucky waters that are at issue in these permit
8 objections here today since April of 2010. The
9 question, therefore, must be asked: What changed?
10 What state or federal regulation has changed that
11 has resulted in these EPA objections since
12 April of 2010?

13 While that question remains pending, Kentucky
14 has continued to work extensively with the EPA to
15 address EPA's evolving comments and concerns that
16 have been expressed over the past two plus years.
17 Kentucky has provided numerous proposed draft
18 permits, both formally and informally, consistent
19 with existing state and federal regulations in an
20 effort to resolve these objections. We remain
21 committed and hopeful that resolution to these
22 objections can and will be achieved.

23 With respect to the EPA objections themselves
24 that are a subject to this public hearing, the
25 EPA's stated concerns primarily fall into two

1 categories. First, with respect to how the
2 reasonable potential analysis, or RPA, was
3 performed to determine whether the proposed
4 discharges had a reasonable potential to cause or
5 contribute to a violation of Kentucky's water
6 quality standards. And, secondly, the
7 establishment of permit requirements in accordance
8 with determinations of that reasonable potential
9 analysis.

10 With respect to the first issue, Kentucky
11 followed existing EPA-approved RPA procedures,
12 regulations, and application requirements
13 consistent with 40 CFR 122.44 and 122.21.
14 Specifically, Kentucky evaluated available
15 discharge data and/or requested discharge data
16 where it was unavailable for a new discharge, as
17 per existing regulatory requirements and
18 permitting procedures.

19 With respect to the second issue, Kentucky
20 imposed a combination of chemical specific
21 limitations and monitoring requirements, whole
22 effluent toxicity limitations and monitoring
23 requirements, best management practice
24 requirements, and instream biological assessment
25 requirements and limitations. In addition to

1 addressing the individual parameter RPA
2 requirements, the narrative water quality standard
3 for conductivity and total dissolved solids is met
4 via the combination of these permit requirements,
5 consistent with 40 CFR 122.44. In addition, the
6 instream biological assessment requirements are
7 designed to address the site specific nature of
8 the receiving stream as specified in the narrative
9 water quality standards cited in 401 KAR 10.031,
10 Section 4(1)(f).

11 In light of these facts, the state
12 respectfully requests that EPA withdraw its permit
13 objections. We look forward to continuing to work
14 with EPA in our ongoing effort to bring resolution
15 to these issues in a timely manner. Thank you
16 again for the opportunity to provide these brief
17 comments. We will be providing additional written
18 comments on these objections before the close of
19 the comment period. Thank you.

20 (Applause)

21 MS. MacPHERSON: Thank you for the opening
22 remarks. Now we would like to move on to
23 receiving the public comments. And I know I've
24 got the speakers 1 through 20. If the next group,
25 21 to 30, could go to the back of the room, the

1 back right, to receive your instructions. Thank
2 you.

3 So as you come up to the microphone, please
4 state your name -- first your number, your speaker
5 number, then your name, spell your name, we are
6 making a transcript, and your organization if you
7 are representing any. Also, if you are referring
8 to any specific permits, please let us know that
9 as well. At that point, we will start the timer,
10 which you will see up on the wall there. And you
11 have two minutes to make your remarks. We will --
12 at the end of the two minutes, you'll see it
13 flash. But, also, the microphone will gradually
14 go silent so that we can move to the next speaker.
15 Okay. So I think -- everyone understand? Great.

16 So with that, I think we'll start with
17 speaker number 1.

18 SPEAKER NO. 1: I am speaker number 1. My
19 name is Donna McClure, M-c-C-l-u-r-e. And I am
20 here on behalf of Kentucky's United States Senate
21 Republican Leader, Mitch McConnell. And I will be
22 reading a statement on his behalf, as he is in
23 Washington and cannot be here. I will be making
24 comments regarding the 36 permits.

25 "Like most of the country, Kentucky is

1 suffering from very difficult economic times. Far
2 too many Kentuckians are unemployed and the
3 prospect for future employment remains daunting.
4 It is especially irritating this Administration
5 has blindly followed policies eliminating jobs in
6 our communities. The people of Kentucky are
7 amongst the hardest working people on earth. But
8 how can we be expected to compete if our own
9 government is working against us. Simply put, my
10 constituents are under siege from the Obama
11 Administration's regulatory agenda, and the EPA is
12 the worst offender. These 36 objections are
13 further proof of this siege. Perhaps the clearest
14 example of this Administration's regulatory
15 assault is its war on coal.

16 Since being sworn in, President Obama's EPA
17 has set out to circumvent the will of Congress and
18 the American people by turning the already
19 cumbersome mine permitting process into a backdoor
20 means of shutting down coal mines. A former
21 senior EPA official under the Obama Administration
22 recently summed up the regulatory philosophy of
23 the Agency with respect to those working in the
24 coal business by saying it wants to crucify them.
25 With this radical environmental anti-coal agenda,

1 it is no wonder the Administration has failed to
2 answer the American people's call for greater
3 domestic energy production. The real world impact
4 of their fantasy world energy policy is people are
5 losing their jobs and energy prices continue to
6 increase. It is high time the Obama
7 Administration stops treating the Kentucky coal
8 industry as being part of the problem. Kentucky
9 coal is the solution."

10 (Applause)

11 PUBLIC SPEAKER: My name is James Milliman.
12 I am the State Director -- M-i-l-l-i-m-a-n. I am
13 the State Director for Senator Rand Paul. Senator
14 Paul could not be here today, so he has filed a
15 statement. And the reason he could not be here
16 today, folks, he is in Washington, DC as we speak
17 fighting the heavy-handed tactics of the EPA to
18 protect your property rights. And he will
19 continue to fight with every ounce and fiber of
20 his body until we prevail over the EPA.

21 And, Ladies and Gentlemen, look at these
22 people out here. These are Kentuckians. You've
23 heard of our most famous daughter of Kentucky,
24 proud to be a coal miner's daughter, Loretta Lynn.
25 These are the daughters and the sons, and they are

1 proud to be coal miners. They are proud to be
2 children and grandchildren of the coal miners that
3 provided energy for this state for years. For
4 250 years they worked in those mines. They risked
5 life, they risked black lung to fuel the energy of
6 this country. And now what happens after 250
7 years? We are here finally having a hearing on a
8 permit. But can they trust the EPA? Should they
9 have confidence in the EPA to give a fair hearing?
10 I don't think so. Not when your leader, Barack
11 Obama, says he wants to bankrupt the coal
12 companies, when the Vice President says he wants
13 to bankrupt the coal companies, when your own
14 officials sit there and say they are going to
15 treat coal companies like conquered nations of
16 Rome, when the Romans came in and crucified them.

17 Well, we've got news for you. These people,
18 the good people of Kentucky and the coal miners,
19 will not be conquered. (Applause). And there is
20 help on the way. There is help on the way. The
21 government has now faced defeat in the Supreme
22 Court. Folks, the Sackett case said the
23 government could try their heavy-handed tactics to
24 take away the property rights of people were
25 rejected in a unanimous Supreme Court.

1 And I am going to leave you with one last
2 thing. Take this message back to Washington.
3 Take this to the EPA. Take this to your
4 President. It is a message our Founding Fathers
5 gave 250 years ago to the tyrants of England, of
6 King George. They said, "Don't tread on me." And
7 these people are telling you, "Don't tread on me."
8 They will not allow it.

9 (Applause)

10 SPEAKER NO. 3: I am speaker number 3,
11 Danielle Smoot, D-a-n-i-e-l-l-e S-m, "m" as in
12 "mountain," o-o-t. And I'm the Communications
13 Director for Congressman Hal Rogers. I would also
14 like the record to reflect that the Congressman's
15 new District Director, Chris Girdler, is here and
16 his Field Representative, Pat Wootan.

17 Congressman Rogers regrets being unable to
18 join us here today, Ladies and Gentlemen. He is
19 actually, of course, in Washington fighting this
20 same exact fight on Capitol Hill. Congressman
21 Rogers has grave concern about the Environmental
22 Protection Agency's strangulating regulations on
23 Appalachian coal. In fact, earlier this year he
24 told EPA Administrator Lisa Jackson that the
25 Agency's behavior is contemptible.

1 Time and again, the EPA has tried to bypass
2 the Congress and weaken state authority. And they
3 make no secret of this Administration's intentions
4 to shutdown Kentucky coal. The permit process is
5 now so complex that our coal operators are jumping
6 through regulatory hoops trying to understand the
7 constant shift in standards and rules that don't
8 apply to everyone. What we do know, what we do
9 know is very clear, is that only one 404
10 individual permit has been approved for a new
11 surface mining operation in Kentucky in three and
12 a half years. And, folks, that is downright
13 shameful.

14 Congressman Rogers has made it clear that
15 just because you are pro coal doesn't mean you are
16 against the environment. He is the co-founder of
17 the eastern Kentucky PRIDE organization that has
18 invested environmental education in every school
19 district in southern and eastern Kentucky, has
20 inspired upwards of 33,000 volunteers to clean up
21 our hillsides every April and remove nearly 30,000
22 straight pipes from dumping sewage into our
23 streams. In fact, some of PRIDE's most proud
24 sponsors and volunteers are sitting right here
25 with us today. They are our coal operators and

1 coal mining families. Whether you have taken
2 notice or not, coal operators have made great
3 strides in reducing their environmental footprint.

4 The EPA, we do know, has a duty to protect
5 the environment. No one is here today to ask for
6 environmental laws to be eliminated. But we do
7 expect them to be applied fairly and consistently
8 so our coal mining families can build a business,
9 start a family, or buy a home without fear of a
10 pink slip because another permit is on hold.

11 On behalf of all the mining men and women of
12 southern and eastern Kentucky, Congressman Hal
13 Rogers asks that the EPA overturn its objections
14 to these permits. Thank you very much.

15 (Applause)

16 PUBLIC SPEAKER: My name is W. Keith Hall. I
17 am a member of the Kentucky House of
18 Representatives, where I chair the Energy
19 Committee. Thank you for being here today. We
20 welcome you to Pike County.

21 In Kentucky, Pike County is the largest
22 producing county east of the Mississippi. I
23 represent that county as a fourth generation coal
24 miner. I'm in the coal business. I mine coal. I
25 work in the coal industry. Kentucky coal miners

1 have supplied this Commonwealth and America for
2 over 100 years with a reliable, dependable,
3 economically cheap source of energy. The State of
4 Kentucky regulates coal miners, coal operators,
5 and coal companies alongside Federal Mine Safety
6 Administration officials of MSHA and OSM, and we
7 have had an excellent working relationship the
8 last 50 years doing that. But in spite of the
9 things that we do together regulating the
10 industry, we have become the victim of one of the
11 most devious and sinister attacks from the U.S.
12 government.

13 The EPA has pulled and withheld 36 permits
14 from Kentucky. Once, some of those were even
15 approved. What the EPA has done is wrong. It is
16 unconstitutional. And I'll back that by saying a
17 U.S. Judge, Amy Berman Jackson, has ordered EPA to
18 vacate its actions against Kentucky on the grounds
19 it has no authority nor no jurisdiction to do so.
20 Judge Amy Jackson (applause) called the EPA's
21 authority unreasonable, and I quote, and she
22 pointed that the EPA has no power to revoke those
23 36 Kentucky permits. Judge Jackson also said the
24 EPA's interpretation of the law that they are
25 basing their intrusive, overreaching actions on is

1 illogical and impractical. Judge Jackson rejects
2 the EPA's broad view that it has unbounded
3 authority to retroactively revoke permits issued
4 by another agency.

5 My question today is: Will the EPA shutdown
6 an entire state's industry? And I pray not they
7 will. And I am going to say one last thing, is
8 that the EPA's actions are too intrusive. Thank
9 you.

10 (Applause)

11 SPEAKER NO. 7: I am speaker number 7. My
12 name is Jim Ward, W-a-r-d. I'm the Letcher County
13 Judge Executive.

14 First I would like to point out that
15 Section 402(D)3 of the Clean Water Act gives
16 administrators of the EPA discretion in whether or
17 not to review or object to permits issued by the
18 Commonwealth of Kentucky. It is completely lawful
19 for the EPA Administrator to exercise her
20 discretion and decide not to review permits issued
21 by the state.

22 Secondly, economic and social costs are
23 mentioned numerous times throughout the Clean
24 Water Act, and the legislative history clearly
25 indicates that Congress did not intend overly

1 stringent limitations to be applied to permits,
2 especially if it would unduly impose economic and
3 social hardship. Here are some of the examples of
4 that hardship.

5 Today there are over 70 senior citizens here
6 from Letcher County and countless other seniors
7 from other counties. Seniors, would you please
8 stand up. (Audience members stand. Applause).
9 Every month we serve 10,000 meals to seniors in my
10 county, some of whom it is their only hot meal of
11 the day and may be the only contact that they have
12 with another person. Our county's budget is
13 heavily reliant upon coal severance taxes to meet
14 these services that our seniors depend upon.

15 These economic and social costs don't bear a
16 reasonable relationship to the benefits that are
17 claimed by the EPA. I am also here today because
18 I support the hard-working coal miners, whose jobs
19 are not only to provide for their families but
20 also for the families of the truck drivers and the
21 salesmen and the repairmen who sell equipment and
22 supplies, the teenager who works at the gas
23 station that sells pickled bologna and Coke-Cola
24 to the miners on their way to work.

25 The objection to these permits not only puts

1 these hard-working coal miners out of a job, but
2 puts essential services to seniors at risk, youth
3 programs at risk that keep our kids out of trouble
4 and off of drugs, and would handicap the county
5 from meeting the needs of the people, a people
6 that get dumped on all too often because some
7 folks think we are backwards and ignorant.

8 I'm here today, and these seniors and miners
9 are here today, to demonstrate to the EPA that we
10 believe in political self-determination.

11 MS. MacPHERSON: Thank you. Thank you.
12 Sorry. I know it is hard to get it all in in two
13 minutes.

14 (Applause)

15 MS. MacPHERSON: What I encourage everyone to
16 do who has a statement, is please leave a written
17 copy of it so we can make sure it all gets
18 included as part of the transcript. Thank you.
19 The next speaker.

20 PUBLIC SPEAKER: Ted Edmunds from Breathitt
21 County, State Representative -- Democratic State
22 Representative for the 91st District.

23 I was in Frankfort Tuesday night. And since
24 I was at those hearings Tuesday night in
25 Frankfort, I decided to take a little bit of a

1 different approach in my comments today. The
2 University of Kentucky owns a 15,000 acre tract of
3 land known as the Robinson Forest. It has the
4 single largest coal reserve east of the
5 Mississippi River. They have mined coal in that
6 Robinson Forest tract of property.

7 And I would just like to share this with you.
8 When the University of Kentucky, who is rapidly
9 achieving, becoming one of the top 20 research
10 institutions in this country, they are not going
11 to be violating the law, they are not going to be
12 doing things that are contrary to what the rules
13 and the regulations are, they abide by the laws,
14 and they have one of the best tracts of coal east
15 of the Mississippi River.

16 Today, this morning in the paper, the
17 University of Kentucky had to layoff about 150
18 employees. They need money. This is a source of
19 income that they would probably like to depend on.
20 I want to just assure you, you are dealing with
21 people that are competent, that are capable, and
22 are knowledgeable. They know what they are doing.

23 Another comment that I am going to make is a
24 stream that is on my grandfather's property,
25 probably been there since the beginning of time,

1 the bedrock in that stream is a seam of coal. It
2 probably has been that way since God created this
3 earth. Unless something drastically changes, it
4 will be that way.

5 My last comment, I did not know I would see
6 this gentleman, is a neighbor that drives two and
7 a half hours every morning, gets up at 3:30 to
8 work. He puts in a hard day at work, drives two
9 and a half hours home. His wife and my wife walk
10 every morning. She says he comes home and he goes
11 to bed. He gets up tomorrow morning, he does it
12 all over again. He is afraid he is not going to
13 make it to retirement. Please help us. Thank
14 you.

15 (Applause)

16 SPEAKER NO. 9: Number 9, Donovan Blackburn.
17 I am the City Manager for the City of Pikeville.
18 I'm here speaking on behalf of Mayor Frank
19 Justice.

20 "As the Mayor of Pikeville, I proudly cast a
21 motion in the first vote to join the lawsuit
22 against the EPA on behalf of the citizens I was
23 elected to represent in order to preserve the
24 quality of life and jobs. The City joined this
25 suit with the Kentucky Coal Association and the

1 Commonwealth of Kentucky challenging the legal
2 validity of the EPA's guidance, giving rise to the
3 permit objection and litigation current pending in
4 Washington, DC.

5 I vow to continue this fight as long as I am
6 a sworn representative of the good people of
7 Pikeville in the coal fields in order to protect
8 those rights that are being ignored by the EPA's
9 actions. As a county seat, the largest county of
10 coal producing, I am telling you that this is a
11 way of life and it in turn gives us a better
12 quality of life. Through generations of courage
13 and hard work, coal miners have helped to supply
14 the coal that has built this country, supplying
15 coal to heat iron plants, fuel plants, and produce
16 energy. Let us not turn our backs on those that
17 have founded this country through unfair
18 regulations.

19 As the Mayor of Pikeville, who is also a coal
20 operator, I know my community has benefitted with
21 millions of dollars reinvested back into our
22 community through the leadership of our
23 legislators. In the past six years, the City of
24 Pikeville has used coal severance dollars to
25 provide safe drinking water and sewer services to

1 our residents. We have not harmed our rivers and
2 streams, but have greatly improved them by
3 cleaning up thousands of straight pipes that were
4 formerly polluting them. Without coal mining and
5 coal severance tax dollars creating these
6 projects, it would have not been possible without
7 placing the burden of debt on our people. Because
8 of these objections of these permits, it is
9 estimated more than \$123 million in coal severance
10 taxes have been lost.

11 As a coal operator, I have personally felt
12 the sting of our regulations. I recently had to
13 stop operations of a coal mine because it no
14 longer meets your regulations. I have found as an
15 operator it is not only frustrating to deal with
16 more stringent rules and regulations, but it is
17 apparent that the intent is to put a squeeze on
18 this industry. This week one of my lowest points
19 as a coal operator was laying off one-third of my
20 staff, the men that made their living through the
21 sweat of their brow. To see the hurt and the fear
22 in their eyes when I told them the news of their
23 layoff was heartbreaking. To put a face on those
24 that your regulations are directly impacting, you
25 need to take a look at the eyes of those that you

1 are directly impacting. Thank you."

2 (Applause)

3 PUBLIC SPEAKER: I'm Judge Rupert, County
4 Judge Executive of Pike County, Kentucky.

5 If we were a state, we would be 10th in the
6 United States in coal production. I am here today
7 to talk about the most valuable commodity that we
8 have in America today, and that is our coal.
9 Twenty-two percent of the reserve of coal in the
10 world is in the United States of America. The
11 Btu. We've got more coal that has got Btu than
12 they've got oil in the Middle East. The
13 scientific data that EPA is using is very
14 questionable. You need to go back and take a look
15 at your scientific data that you are using. Also,
16 your timetables. For 20 years you have issued
17 these permits. You come up and give six months.
18 That is not time and not proper. You have a war
19 on coal in America going on today, whether you
20 realize it or not. You need to get real.

21 The quality of life in America is at stake.
22 Not only our quality of life here in central
23 Appalachia, but the quality of life in the United
24 States of America. The utility rates, you are
25 going to push them out until Americans cannot keep

1 their lights on. They are going to make a
2 decision of whether to get medicine, food or
3 clothing or pay their utility bills. And, EPA,
4 you are causing this. Coal is not the villain in
5 this country. Coal is a hero. The industrial
6 revolution, the greatest one in the history of
7 this world, was the industrial revolution of
8 America fueled by coal. And, yes, they are not
9 the villain; they are the heros. You all have got
10 to stop this war.

11 In the 50s, our government had war against
12 coal and they started importing foreign oil. We
13 lived through that. We lived through that.
14 Administrations come and go. Mrs. Jackson will be
15 gone. Mr. Jewell [ph] will be gone. And,
16 Mr. President, if you don't stop this war on coal
17 in this country, you'll be gone. (Audience
18 members stand. Applause). We need to balance our
19 economy with our ecology. If you don't do that,
20 America is in trouble. God bless.

21 MS. MacPHERSON: Thank you. Thank you.
22 Thank you very much. Okay. Next speaker.

23 SPEAKER NO. 21: Yes, ma'am. I am number 21.
24 My name is Carl Breeding, and I'm speaking on
25 behalf of --

1 MS. MacPHERSON: Excuse me. Yes, can you
2 turn up his mic.

3 SPEAKER NO. 21: I'm sorry.

4 MS. MacPHERSON: Thank you.

5 SPEAKER NO. 21: Okay. My name is Carl
6 Breeding. It is C-a-r-l B-r-e-e-d-i-n-g. I'm
7 speaking on behalf of the Kentucky Chemical
8 Industry Council, which is part of the Kentucky
9 Association of Manufacturers. The Chemical
10 Industry Council is a statewide trade association
11 representing chemical manufacturers in Kentucky.

12 Kentucky's chemical manufacturers are heavily
13 dependent upon low cost energy that is available
14 largely because of the state's abundant coal
15 resources. Low cost energy has been a primary
16 factor in the decision of many of Kentucky's
17 largest employers to locate their facilities in
18 Kentucky and has allowed Kentucky to succeed in
19 competing for new and expanded businesses.

20 Unfortunately, EPA's objections to KPDES
21 permits for new and expanded surface coal mining
22 operations threatens to disrupt Kentucky's
23 favorable energy supply status. The Chemical
24 Industry Council is greatly concerned that the
25 EPA's actions will result in a loss of

1 manufacturing capacity in Kentucky and a
2 consequent loss of jobs at this critical moment.
3 EPA's information of its new requirements for
4 Clean Water Act permits for eastern Kentucky
5 surface mines is wholly inappropriate. The
6 requirements were imposed without any prior notice
7 to the industry or to the state permit issuing
8 authority and were effective immediately.
9 Procedures that had been approved by EPA and used
10 for decades in the issuance of Clean Water Act
11 permits were not used, resulting in chaos.

12 The impact of the EPA's inappropriate actions
13 will be felt dramatically by Kentucky's
14 manufacturing community, which recognizes that
15 coal is a low cost energy source that will be in
16 demand for years to come. We should be exploring
17 ways to better utilize the energy source rather
18 than hindering its use. Kentucky's manufacturers,
19 their employers, their families, and Kentucky's
20 economy will suffer if the EPA's objections stand.
21 Thank you for the opportunity to speak today.

22 (Applause)

23 MS. MacPHERSON: Thank you. Thank you. Now,
24 before the next speaker I just want to see if
25 there is anyone out there who needs the sign

1 language interpreter services, if you could stand.
2 No, okay. Thank you. Please go ahead.

3 SPEAKER NO. 22: I'm number 22, Lloyd Cress,
4 C-r-e-s-s. And I'm speaking on behalf of the
5 Kentucky Coal Association.

6 The Kentucky Coal Association truly welcomes
7 these hearings, which afford EPA an opportunity to
8 right a terrible wrong done to the Kentucky coal
9 mining industry, the miners, and their families,
10 and the people of Kentucky who benefit so greatly
11 from low cost energy. The wrong occurred on
12 April 1st, 2010 when the EPA announced that new
13 water quality requirements, effective immediately,
14 would apply to the review of permits for new and
15 expanded surface mining activities in eastern
16 Kentucky. The new requirements replace procedures
17 that EPA had approved and the Commonwealth of
18 Kentucky had used for more than 20 years and as
19 recently as two weeks before April 1st, 2010.

20 The new requirements were imposed in a
21 dictatorial fashion with no prior notice to the
22 coal mining industry that would allow the
23 companies to adjust their mining practices or
24 their applications for Clean Water Act permits.
25 The new permit requirements were imposed with no

1 notice to the Kentucky Division of Water, that had
2 the responsibility for processing those
3 applications. EPA's arrogant imposition of new
4 requirements, effective immediately, has had a
5 devastating effect on the surface mining industry
6 that serves as a life of eastern Kentucky's
7 economy. For more than two years, not a single
8 individual permit was approved without EPA
9 objection. A more unAmerican abuse of due process
10 and basic respect for the rights of others can
11 hardly be envisioned in this country that prides
12 itself as a nation of laws and not of men. The
13 harm inflicted on the eastern Kentucky economy has
14 been prolonged by the failure to conduct the
15 necessary hearings. In the meantime, projects
16 have been abandoned, jobs have been lost, and
17 people have suffered without any effort by EPA to
18 fulfill its legal responsibilities.

19 MS. MacPHERSON: Thank you. Excuse me.

20 (Applause)

21 MS. MacPHERSON: Thank you. And please make
22 sure we get a written copy of that so we can make
23 sure we capture. Because I don't think the court
24 reporter, if it is not in the microphone, can
25 capture it. So next speaker, please.

1 SPEAKER NO. 23: Mike Hansel, H-a-n-s-e-l, as
2 in Hansel & Gretel, number 23.

3 In the EPA's official specific objection to
4 these permits being discussed, one particular
5 statement rings as quite odd to me. The statement
6 in each of those stereotype letters reads, "EPA's
7 objections consider in part the emerging science
8 on the impacts of surface coal mining on water
9 quality." Not mountaintop mining, but surface
10 mining. A curious statement, indeed. Perhaps a
11 look into this Administration's next step to
12 complete the elimination of coal mining and coal
13 jobs.

14 This EPA at the direction of the White House
15 is choosing to ignore any statement of science or
16 fact that is not submitted by a left wing
17 activist. They choose instead to rely on an
18 opinion that has no scientific study or background
19 so that this Administration can keep its campaign
20 promise from 2008, a promise to make it so
21 difficult to mine coal in the United States that
22 companies will be forced to quit or go broke, just
23 a statement that the left needed to launch their
24 push of this agenda.

25 The demographics tell the complete story

1 behind what is happening here today. Each person
2 here should take a moment, look around and
3 observe. As my grandmother would say, "It is as
4 plain as the nose on your face." She would also
5 say, "Ponder on that one for a while, and we will
6 just see how smart you really are."

7 The Administration would like for you to
8 believe that this action is being taken to protect
9 the public. I believe, however, it is not. It is
10 totally about money and power. Step back and see
11 who will profit from the loss of coal jobs and
12 coal revenue. Check the ties to the emerging
13 green industries and see what you come up with.
14 When an industry is saddled with impossible
15 standards, such as having any discharge from a
16 permitted area being cleaner than that of drinking
17 water, enough said. "It is as plain as the nose
18 on your face, son."

19 I'll end my comments by reminding this panel
20 and those in the attendance with a few quotes from
21 famous Americans they need to remember. Thomas
22 Jefferson: "Were we directed from Washington when
23 to sow and when to reap, we should soon want
24 bread." Thomas Jefferson: "To compel a man to
25 furnish funds for the propagation of ideas which

1 he believes and abhors, is sinful and tyrannical."
2 And my last one, from a great scientist, is Albert
3 Einstein. And he says, "Let us not think of what
4 is. Let's think of what should be." Thank you.

5 (Applause)

6 MS. MacPHERSON: Okay. Before the next
7 speaker, I would like to request the next block to
8 go to the back. Speakers 31 to 40, if you could
9 go to the back right of the room to get your
10 briefing. Thank you. Go ahead.

11 SPEAKER NO. 26: Hi. I'm number 26. My name
12 is Ama Bowman Bentley. I'm with Appalachian State
13 Analytical, a private environmental laboratory.
14 I'm a life -- also a lifelong resident of Pike
15 County, Kentucky.

16 Where was the EPA 40, 50 years ago when
17 mining was a true source of stream pollution? Do
18 you realize that any treatment being done of the
19 acid mine drainage left behind by the companies
20 who mined many years ago and that are no longer in
21 business is being treated by the coal companies
22 that are in business today? Do you realize that
23 the majority of the reclamation done on properties
24 vascularized by the coal companies of the old era
25 has been reclaimed and repaired by the coal

1 companies in this room today? Not by AML and not
2 by the government. Shut these coal companies down
3 by not issuing permits or by issuing permits that
4 are not practical or affordable and who would
5 treat and repair our mistakes of the past.

6 Surface mining today without the current
7 regulations provides a great source of much needed
8 land and, of course, revenue for our region. I
9 know that today the water quality is monitored
10 closely. And in many cases, stream quality is
11 actually improved by mining. Pollution and
12 sediment control is a top priority of coal
13 companies. Don't jeopardize an entire industry
14 and hundreds of thousands of people's livelihood
15 just because of a handful of misinformed people
16 and by imposing regulations that are more
17 stringent than drinking water standards. Why not
18 concentrate on our region's true source of
19 pollution, straight pipes, raw sewage.

20 Now, you may want to know how I am qualified
21 to make such a statement as to say sewage is our
22 true source of pollution. I'm a lifelong resident
23 of Pike County, Kentucky. I've managed an
24 environmental laboratory for over 30 years, and I
25 have seen a lot of pollution. I have traveled

1 these surface mines. I have traveled through our
2 streets. I've analyzed the water. You want to
3 save our streams? Take the money you are using to
4 fight a problem that is already being addressed
5 and put it in an area where it is needed. Thank
6 you.

7 (Applause)

8 SPEAKER NO. 25: I am number 25. I'm Charles
9 George. I'm here to represent the Kentucky
10 Chamber of Commerce.

11 We are the state's largest business
12 association with over 2,700 members representing
13 over a half of Kentucky's work force, and many of
14 that work force is right here in this room. We
15 are extremely concerned that EPA's actions
16 regarding Clean Water Act permits for new and
17 expanding mining activities in Kentucky have a
18 negative effect on our business climate and
19 jeopardize our economic future.

20 The Kentucky Chamber is troubled by the EPA's
21 new water quality requirements on coal mining
22 activities through the issuance of guidance,
23 rather than notice and comment rulemaking, which
24 is contrary to federal law. As a result of the
25 EPA's failure to follow appropriate legal

1 procedures, the Agency has been forced to make
2 significant revisions to its guidance as it has
3 acquired additional information. Meanwhile,
4 Kentucky's coal mining industry has been thrown
5 into turmoil by EPA's objections to KPDES permits
6 issued by the Kentucky Division of Water
7 containing the same provisions previously approved
8 by EPA.

9 The EPA's administrative negligence on this
10 issue poses a serious threat to Kentucky's
11 economy. The effect of EPA's permit objections in
12 September of 2011 alone could eliminate 3,800 jobs
13 in the coal industry and more than \$123 million in
14 potential coal severance taxes. Although the
15 direct effects of EPA's anti-coal policies are
16 staggering, perhaps the greatest threat is posed
17 by the increase in energy costs that will follow
18 curtailment of coal production in this state.
19 Kentucky's economy, particularly our strong
20 manufacturing base, heavily relies on the
21 availability of low cost energy generated by coal
22 right here in Kentucky.

23 The Kentucky Chamber urges the EPA to
24 withdraw its pending objections to the KPDES
25 permits and to work in a cooperative manner with

1 the Kentucky Division of Water to develop
2 regulatory requirements that allow the mining of
3 coal to continue right here in Kentucky. We must
4 ensure prosperity and job growth in the future not
5 only for the hard-working men and women in this
6 room but for all Kentuckians. Thank you.

7 (Applause)

8 MS. MacPHERSON: Okay. The next speaker,
9 please.

10 SPEAKER NO. 28: Yes. Number 28. Good
11 afternoon. My name is Mark Porta. I live in
12 Louisville, Kentucky. I am the Vice President of
13 Eastern Operations for Whayne Supply Company. And
14 I also represent our sister company, Walker
15 Machinery in West Virginia. We are the
16 Caterpillar mining construction equipment dealers
17 in Kentucky, southern Indiana, West Virginia, and
18 southern -- southeastern Ohio. These two
19 companies employ over 2,000 men and women working
20 out of 25 locations. Sixty percent of our
21 revenues are generated from the sale of machines,
22 parts, service to the coal industry. So the coal
23 industry supports all of our employees and their
24 families in four states.

25 Next year Whayne Supply will celebrate 100

1 years of service to our customers. At a time when
2 I should be excited about our future, I am full of
3 concern and uncertainty because our future is
4 bleak because of the regulatory ambush on the coal
5 industry by the EPA.

6 Changing the permitting requirements in April
7 of 2010 has effectively strangled this industry to
8 the breaking point. Why did you target only six
9 states and then decide just West Virginia and
10 Kentucky? Is this an environmental issue or a
11 political issue? Why are your guidelines only
12 directed at the coal industry? Why do dissolved
13 solids and conductivity from coal mining affect
14 aquatic systems more than from other activities of
15 displaced or disturbed soil? Is this just the
16 EPA's preview to stop all mining, all construction
17 and agriculture, all of which disturb soil and not
18 meet your conductivity guidelines? Why is the
19 rest of the world growing their coal, generating
20 electricity capacity at record levels while we are
21 shutting ours down?

22 To address worldwide demand, Caterpillar has
23 expanded their mining equipment line. Normally,
24 this would be an exciting time, as the expansion
25 directly impacts our business. We should be

1 adding high paying jobs and building new
2 facilities and be very excited about the future,
3 but we are concerned about the uncertainty.

4 The central Appalachia coal region suffers
5 because Kentucky and West Virginia are under
6 attack by unfair and questionable governance by
7 the EPA, causing massive layoffs, mine shutdowns,
8 downsizing, and company closures. I strongly
9 encourage the EPA to withdraw its objections to
10 these 36 permits. Thank you.

11 (Applause)

12 PUBLIC SPEAKER: I'm speaking -- I'm speaking
13 about permits, specific permits.

14 MS. MacPHERSON: Okay.

15 PUBLIC SPEAKER: So if you can hold the
16 clock.

17 MS. MacPHERSON: Thank you. I appreciate
18 that.

19 PUBLIC SPEAKER: Because I did that Tuesday
20 night, and I used up too much time on that.

21 MS. MacPHERSON: No, no. Yeah, take your
22 time.

23 PUBLIC SPEAKER: Okay. My name is Don
24 Gibson. I represent Arch Coal. And I have a
25 permit that's on the list of 36. It is permit

1 8970448. The only thing that I have got to say
2 about that is, it is 37 acres in a 254,000 acre
3 watershed. You are wasting your time. You are
4 wasting your money. Instead of spending money on
5 these meetings and objections to permits such as
6 that, I want to agree with what Ama said, what
7 several other people have said here, get proactive
8 about getting us some sewer in the watersheds in
9 eastern Kentucky. That is where the health issues
10 come from. We hear all of these false reports
11 about the illness in the coal fields being caused
12 by mountaintop removal. That's bull crap. The
13 disease and the illness is caused by the crap that
14 is in the streams from the straight pipes. So
15 let's spend our money there and focus our efforts.

16 One thing that I want to point out, Tuesday
17 night in Frankfort we had 800 plus Arch employees
18 there that bussed in and drove in for three hours
19 to get there to hear their voice heard. Rest
20 assured, in November their voice will be heard.
21 My last point is to all the coal miners. And I
22 want you to listen up to me. The EPA, and not
23 these folks sitting on the stage, but the EPA in
24 Washington, DC has set a real good example for us.
25 They have changed the rules midstream. Come

1 November, we are going to be at a midpoint
2 potentially of having a President maybe for
3 another four years. Let's follow their lead.
4 Let's make a change. Thank you.

5 (Applause)

6 MS. MacPHERSON: Thank you. Just before we
7 start, could I have the next group, and I believe
8 we're up to numbers 91 to 100, go to the back. We
9 do still have more slots available for speaking,
10 so that if you would like to make a statement,
11 please go back to the registration table to
12 receive a number so we can get you in the queue.

13 So let me just wait until these -- it looks
14 like we're having a change. He had quite a
15 support section there.

16 Okay. Next speaker, please go ahead.

17 SPEAKER NO. 30: I'm speaker number 30. I'm
18 James Milam. You people don't hold it against me
19 for my -- but I am from West Virginia. We are
20 over here in support of coal. (Applause).

21 I'm the President of the Logan Coal Vendors
22 Association, and we represent the spin-off jobs.
23 We're the four or five jobs that is spinned off by
24 every coal miner that is out there working. And
25 we want to thank every one of the coal miners here

1 today for the jobs that we have. The one thing
2 that the Coal Vendors wants to tell you today, we
3 are the small and medium-sized businesses. And
4 when I say that, if you listen to the President of
5 the United States talk right now, he says, "What
6 are we to do to stimulate the U.S. economy?"
7 We've got to do something to drive jobs up. It
8 takes the small and medium-sized businesses to
9 drive the jobs up.

10 Well, you know, we're an engine. We're
11 called the economic engine for the United States.
12 We are what makes the United States of America
13 stand strong. Well, if you cut the fuel supply
14 off to that engine, it is just like the vehicle
15 that you drive every day, it is going to shutdown.
16 If you shutdown the coal economy, you shutdown
17 these coal operators and they decide to take their
18 toys and go elsewhere and play, what happens to
19 the economic engine here in the United States, it
20 is going to quit running. You can't stimulate
21 something that you take away. If you don't supply
22 an energy source or a fuel source to that engine,
23 it is going to shutdown.

24 That is who we are. We're the spin-off jobs.
25 We're the majority. The coal operators and the

1 coal miners, they're the minority. We're the
2 hundreds of thousands of jobs that gets spinned
3 off because of coal. We want you to issue these
4 permits. We've got to have these permits. If you
5 go out and buy a bottle of water in the store, it
6 is dirtier than the water that you hold the
7 standards for the coal miners to drop off. It is
8 a hell of a lot dirtier.

9 Don't cut off our fuel supply. That is what
10 drives this economic engine. And you better get
11 that in the President's hand. Like the man said
12 before, we have got a voice in November and we're
13 going to use it. Thank you.

14 (Applause)

15 MS. MacPHERSON: Thank you. Okay. Next
16 speaker, please.

17 SPEAKER NO. 29: I am speaker number 29.
18 My name is Jim Winkler. I'm Vice President of the
19 Logan Coal Vendors Association. I also own
20 American Hydraulics & Rebuild in Logan, West
21 Virginia. I employ 31 people. They have 24 kids,
22 got 18 grandkids. That's why I'm here today.

23 Now, the biggest issue that we have is the
24 fact that for every coal mining job that James
25 says, there's six of us. We represent thousands

1 of people. Everybody from my community is scared
2 to death for their jobs. And, plus, my men too.
3 I have already got them cut back on hours. I've
4 never had a layoff in the 32 years I've been in
5 business. It is just strictly because of the EPA.
6 I don't trust the EPA, I don't trust Lisa Jackson,
7 and I will never trust them.

8 We have a permit issued in Logan County,
9 where Arch of West Virginia has got a permit that
10 they took 10 years to get it, it was approved, we
11 went to court, went through appeals court once the
12 EPA rejected it, and they ruled in our favor.
13 Well, just recently the EPA filed another lawsuit
14 against them and are going to reject a permit.
15 That is not fair. We're given a set of
16 regulations in the mining industry. We meet those
17 regulations. What the EPA does, they raise those
18 standards. And then we have to try to meet them
19 again. It is not a fair issue on our part.
20 They're not thinking about the human beings that
21 are affected by this and the fact that our
22 communities, our coal communities, which have a
23 lot of pride, are being hurt every day.

24 We're going to stand together. We're going
25 to be united. And we're going to fight the EPA

1 every step of the way. Please release these
2 permits and let us go to work. Thank you.

3 (Applause)

4 MS. MacPHERSON: Okay. Next speaker, please.

5 SPEAKER NO. 32: I am number 32. My name is
6 Matt Watson. I'm here on behalf of Appalachian
7 Voices, a nonprofit group, and our thousands of
8 members across the region.

9 Its -- jobs are up since the EPA started its
10 enhanced coordination procedures back in June
11 2009. I mentioned that on Tuesday. And that is
12 just a fact. Nobody is going to tell you that.
13 But the number of jobs in Appalachia, mining jobs
14 are up by 6 percent over that time period.

15 Now, granted, there's a lot of layoffs that
16 are just starting to happen. But that is for very
17 different reasons, and everybody knows it. It is
18 because natural gas prices have gotten so low that
19 coal simply cannot compete. It is not even close.
20 Coal has gone from half of our electricity
21 production several months -- or several years ago
22 to a third of our electricity production today.
23 That is going to cost jobs. It is going to cost
24 jobs all over the country. But that is not EPA's
25 fault. It is not EPA's fault that the political

1 leaders and the business leaders in eastern
2 Kentucky do not have the vision or the courage to
3 try to diversify the economy and try to attract
4 new industries to the region. That is what is
5 required. To put it in perspective, though, what
6 EPA's job -- EPA is responsible for making sure
7 that people have a safe environment. And a
8 business, an economy needs clean water and clean
9 air and a safe environment in which to flourish.

10 Here in Pike County, Kentucky, it was
11 mentioned, the biggest coal producing county east
12 of the Mississippi of 70,000 acres have been strip
13 mined here over the -- over 5, 6, 7 decades. If
14 that was good for the economy, the streets ought
15 to be paved with gold, right, by now? Well, the
16 life expectancy in Pike County is about what it is
17 in Vietnam, El Salvador, and Iran. In the last
18 decade, while life expectancy across the U.S. has
19 gone up by a year, it is down by a year in Pike
20 County. Every other stat across the board,
21 socioeconomic, looks pretty bad.

22 And so what we need is EPA to do its job and
23 we can do ours.

24 MS. MacPHERSON: Okay. Thank you.

25 (Audience members respond)

1 MS. MacPHERSON: Thank you. Please remember
2 ground rules at the beginning, so courtesy. Every
3 speaker gets the same opportunity.

4 So the next speaker, please.

5 SPEAKER NO. 31: I'm speaker number 31. My
6 name is Erin Savage, S-a-v-a-g-e. I'm a water
7 quality specialist with Appalachian Voices.

8 I would like to thank the EPA for this chance
9 to speak and to commend the EPA for fulfilling its
10 obligation to oversee the protection of public
11 waters in the United States, waters that belong to
12 all of us.

13 Since 2010, Appalachian Voices has brought
14 cases against three of Kentucky's largest coal
15 companies, ICG, Fraser Creek, and Nally &
16 Hamilton, for nearly 36,000 violations of the
17 Clean Water Act. These violations include
18 falsified discharge monitoring reports as well as
19 substantive permit limit violations. These
20 violations were neither identified by the State of
21 Kentucky nor were they adequately dealt with when
22 the State was made aware of these problems. The
23 State is clearly either unwilling or unable to
24 properly enforce the Clean Water Act. Therefore,
25 the EPA must intervene.

1 This hearing is not about disallowing mining
2 in Kentucky. This hearing is solely about water
3 pollution permits. Protecting our water quality
4 is essential to the health of the residents and
5 the ecosystems of eastern Kentucky.

6 Valley fill permits for mountaintop removal
7 damages streams. Our sensitive monitoring program
8 has identified real water pollution problems,
9 including streams with a pH between 3 and 4,
10 maganese greater than 13 milligrams per liter, and
11 iron greater than 60 milligrams per liter.
12 Mountaintop removal has also been linked to health
13 problems in people. People living near
14 mountaintop removal are 50 percent more likely to
15 die of cancer and 42 percent more likely to have
16 children with birth defects. The EPA is not
17 destroying coal jobs. Coal jobs in Appalachia
18 have increased by 6 percent since 2009. The
19 demand for coal is decreasing due to competition
20 with natural gas. The real question is not
21 whether coal will be mined in Kentucky, but,
22 rather, which companies will be allowed to mine.
23 Companies that respect the law or companies that
24 break the law and disrespect the people of eastern
25 Kentucky?

1 (Applause)

2 MS. MacPHERSON: Thank you. Thank you.
3 Okay. Next speaker, please.

4 SPEAKER NO. 34: I'm speaker number 34. My
5 name is Gary Bentley. I'm here as just an
6 everyday Appalachian citizen, Kentucky coal miner.
7 And what I would like to get across is, here in
8 Appalachia we do rely on the coal industry. Right
9 now, without it we don't have any sort of economy
10 to keep the area going. However, the Clean Water
11 Act has been in effect since 1976. You have
12 billion dollar companies who want to avoid doing
13 what is right. I work for these companies. I
14 rely on this every day as my income. However, we
15 need to stand together as our coal miners and
16 protect our industry. You take Friends of Coal,
17 the Kentucky Coal Association, I've supported it
18 for many years. However, now, with the recent
19 layoffs, I would like to see these organizations
20 come back and help our miners that are out of
21 work. That is a question that all of the coal
22 miners, everybody needs to ask: When are these
23 corporations going to come back and support our
24 area in other ways than mining coal?

25 Granted, it is a wonderful economy, it is a

1 wonderful job with great benefits. I have a
2 college education and can't do any better than
3 working underground. I can't ask for a better
4 job. However, I would like to see these
5 corporations, these million dollar companies come
6 back and show just a little bit of support for us
7 when we're out of work. And that's all.

8 MS. MacPHERSON: Thank you. Thank you.

9 (Applause)

10 MS. MacPHERSON: Okay. Next speaker, please.

11 SPEAKER NO. 33: I'm number 33. My name is
12 Jennifer Lee, L-e-e. And I'm with the Harlan
13 County Chamber of Commerce.

14 For decades, this region has provided the
15 resources necessary to provide energy to our
16 country. We've built our local economies on this
17 foundation and dedicated our lives to providing
18 coal to our nation. Harlan County needs the coal
19 industry to survive.

20 While many point out that the permit issue is
21 only affecting surface mining, in our community
22 the overwhelming majority of coal operations are
23 underground and they are slowly being squeezed out
24 by these policy decisions. Unfortunately, in our
25 community there are precious few opportunities for

1 growth. There are no major highways encouraging
2 economic development and supporting commerce among
3 the small towns nestled in the folds of our
4 mountains.

5 As Executive Director of the Harlan County
6 Chamber of Commerce, I am concerned about the
7 immediate future of all of our people and all of
8 our businesses that depend on coal for jobs,
9 ranging from our engineers and geologists to our
10 truck drivers. As miners lose their jobs and move
11 on, Harlan County loses not only our families but
12 all of our merchants, teachers, doctors, lawyers,
13 and other professionals whose work disappears with
14 them.

15 We've been through tough times before, but
16 never faced such a daunting combination of
17 political and market forces killing our only
18 viable industry. Market ups and downs we
19 understand; that's business. We can all agree
20 that regulations, fair treatment, and responsible
21 oversight are necessary and beneficial. But the
22 indiscriminate application of policies and
23 interpretation, rather than laws and regulations
24 that teach Appalachian mining, is unacceptable
25 while approving operations in other areas is

1 unjust and potentially catastrophic to our
2 livelihood. Thank you.

3 (Applause)

4 PUBLIC SPEAKER: My name is Bill Bissett, and
5 I'm president of the Kentucky Coal Association.
6 We represent the 18,000 men and women who mine the
7 coal in Kentucky every day. For every one coal
8 miner, three other jobs are dependent on that coal
9 miner for their jobs. (Applause). So when we
10 have a layoff, when mines close, you are not just
11 affecting the miners, you are affecting three
12 other jobs as well.

13 I want to thank you, Jim, for the opportunity
14 to address you again, as I did in Frankfort. Let
15 me tell you about Frankfort. We had thousands of
16 people there in the Capitol, where they do not
17 mine coal, Democrats and Republicans, coal miners
18 from west and eastern Kentucky with their
19 families, who were overwhelming the loudest voice
20 in that town that day standing up for Kentucky
21 coal, and we need to thank them. (Applause).

22 I have some questions today for the
23 Environmental Protection Agency. I would
24 appreciate a response by writing, if possible.
25 Where is Lisa Jackson today? What does she have

1 to do that is more important than these jobs and
2 these people of eastern Kentucky? Where is Gwen
3 Keyes Fleming today, the Region 4 Administrator?
4 What is she doing that is more important than this
5 hearing today?

6 When you started this guidance, it was six
7 states: Tennessee, Virginia, Ohio, Pennsylvania,
8 Kentucky, and West Virginia. A year later you
9 removed four of the states and maintained this
10 policy in eastern Kentucky and West Virginia. Why
11 were the other four states released? I would
12 assume it is because they are battleground states
13 for the upcoming election and the President needs
14 their support. That is politically motivated and
15 that is wrong. It is selective enforcement to
16 single out eastern Kentucky and West Virginia.
17 The fish don't care who are on the border of the
18 state. They are drinking the same water. It
19 doesn't make any sense. Why only eastern
20 Kentucky? Why does the same mining permit in
21 western Kentucky got approved by your office, yet
22 the eastern Kentucky surface mining is objected
23 to? That is selective enforcement and that is
24 wrong. Why did it take one and a half years to do
25 these public hearings? Why is only coal being

1 singled out? What about highway construction,
2 agriculture, and other large earthmoving
3 equipment?

4 We appreciate you listening today. And as my
5 good friend Don Gibson said, you are going to hear
6 from us again in November.

7 (Applause)

8 MS. MacPHERSON: Okay. Thank you. Next
9 speaker, please.

10 SPEAKER NO. 91: Good afternoon. My name is
11 Michael Bryant, Jr., B-r-y-a-n-t. I'm speaker
12 number 91.

13 I'd like to let the audience know, I've been
14 employed in the coal industry for 40 years. I had
15 one termination of coal activity. I served my
16 country for 13 months during active duty and
17 wearing an American uniform. At no time did my
18 President ever direct me to go take a working
19 man's job from him to protect this country. And
20 now it seems like we're under fire from the EPA,
21 from the U.S. Corps of Engineers, and this is not
22 right.

23 The United States Constitution has an act
24 that says, "No law will be made to be detrimental
25 to another industry." So why is the U.S. coal

1 industry under attack in the southern Appalachian
2 coal fields? Why not the Illinois coal basin and
3 why not Wyoming? Why aren't we all being treated
4 the same way? Is their time in the barrel going
5 to come after ours?

6 When you cut off the tree of coal, the root
7 will die. And it will also take every industry
8 with it when it does that. All of the supporting
9 industries will be gone. And now we find
10 ourselves with a population shift that is called
11 demographics. We look at all of these small
12 communities that are getting smaller every day.
13 The cities are getting smaller. We are
14 consolidating schools. We have one school in each
15 county. Where is the population going to? They
16 are going to well-paying jobs. We'll not make it
17 as a tourist industry here in this state. And we
18 will also not make it as an automobile
19 manufacturing state, simply because nobody is
20 going to locate here because of the detrimental
21 effects of the EPA, how they treat smoke stack
22 industries.

23 And I would like to also say that the present
24 administration is so ill thought of in the United
25 States right now, the king is even saying he was

1 born here. So let's all get behind what is
2 actually affecting us right now and change this
3 thing. Hope --

4 MS. MacPHERSON: Thank you very much.

5 (Applause)

6 MS. MacPHERSON: Thank you.

7 SPEAKER NO. 94: Hello.

8 MS. MacPHERSON: The next speaker. Hello.

9 SPEAKER NO. 94: My name is Mike Mays. And
10 I'm number 94 on the list. I am a candidate, a
11 Republican candidate, for the House of Delegates
12 in West Virginia.

13 I brought this cup with me for a certain
14 reason. There are certain words in the English
15 language that I have a medical condition that when
16 those words, when I speak them, it causes me to
17 have to spit, and I apologize for that. But I
18 would like to say to the EPA that you are in
19 Pikeville, Kentucky, just to remind you. Some of
20 you had problems with that a minute ago.

21 (Applause). Pikeville, Kentucky is the home of
22 the Hatfields and McCoys. And I will tell you,
23 that if Randall or Devil Anse were alive today,
24 they wouldn't be shooting at each other. And you
25 know what I am referring to. (Applause).

1 But I would like to welcome you to eastern
2 Kentucky. I am from southern West Virginia. I
3 have lived in eastern Kentucky. And I know what
4 it is like to face hardship in the coal industry.
5 But never in my worst imaginations would I have
6 ever thought that the biggest obstacle to the fine
7 men and women who work in the coal industry was
8 our own federal government.

9 Mr. Obama -- there's -- there's one of those
10 words. I'm sorry. (Indicating. Applause.)

11 Mr. Obama has made it extremely difficult for
12 us to make a living in the coal industry. And we
13 are squandering a resource that cannot be
14 replaced. And I am not referring to coal. I'm
15 talking to those men and women who are the most
16 professional miners in the world who bring coal
17 out every day for our electricity bills to be
18 something that is unequal in the world. We owe
19 them a debt of gratitude. They saved this country
20 in World War II. They will save this country
21 again whenever needed. Thank you very much.

22 (Applause)

23 SPEAKER NO. 93: My number is 93. My name is
24 George Helton, H-e-l-t-o-n. I'm proud to
25 represent I'm a coal miner. I work for C & T

1 Coal.

2 The EPA, they always want to drop our
3 permits. They don't want to look at things
4 equally, fair. We're not a villain. We are just
5 human beings like you are. All we ask is to be a
6 way of life. Why can't you look at things
7 equally? If we are doing something so bad, set it
8 up for the next generation instead of kicking
9 everybody out. This country is not ready for
10 using no more coal. It is going to be years down
11 the road.

12 Why don't you just get together and use your
13 heads and dedicate yourself to setting up the next
14 generation, the following generation. There is
15 not a person in this room that does not want to
16 leave their next generation, their grandkids, a
17 better life. Do you just think we are so dirty
18 because we mine coal you don't want us to work? I
19 don't understand why. I mean, people in the White
20 House up there does not understand this industry a
21 bit. Do you understand the complete process of
22 mining coal? It is a construction job. In
23 another 5 years, 10 years, you go down the road,
24 if you don't know that mountain has been stripped,
25 you will not be able to tell it. Why does

1 everybody don't want us to have a job, be with the
2 United States. We're proud to be American. Why
3 is the EPA taking fit on all of the coal industry?
4 Don't they look at what everybody else in the
5 United States does, the nuclear system. Look at
6 Japan over there. How many generations is going
7 to die from what happened over there last year?
8 Can't people take and realize and understand why?
9 Thank you.

10 (Applause)

11 SPEAKER NO. 96: I have an assigned number of
12 96. My name is Roger Horton. I'm here
13 representing the Citizens for Coal, the
14 Mountaintop Mining Coalition, the West Virginia
15 Coal Association, the West Virginia Coal Forum,
16 and all of the West Virginians who care about West
17 Virginia and our great country.

18 You know, yesterday passed June the 6th.
19 Sixty-eight years ago a lot of coal miners went to
20 liberate a country, fighting in World War II.
21 They fought. Many of them died, because they
22 believed in this great nation. I have a message
23 for the EPA. The men and women that you are
24 confronting in the coal field today are just as
25 adamant about whooping somebody's butt as those

1 great men and women who died during that war. We
2 have had enough of the belittlement of the
3 professional jobs that we carry out. So I'm here
4 to tell you that we are going through the proper
5 channels. It will all be done lawfully, as we all
6 prescribe to do. We are coming to Charleston with
7 our votes and with our comments. And if not very
8 careful, this EPA you see will have so little
9 power they will not be able to leave that place up
10 there. They won't have the gas to get out.

11 I'm here to tell you that the coal industry
12 is vital to the communities and to the national
13 security of this United States, and we're willing
14 to fight for it, and we're going to do it. And I
15 appreciate your time and for the opportunity to
16 speak, so thank you very very much.

17 MS. MacPHERSON: Thank you very much.

18 (Applause)

19 PUBLIC SPEAKER: My name is Jimmy Hall. And
20 I live in Millers Creek, Letcher County, Kentucky.

21 I want to commend the miners for keeping the
22 lights on for us. I want to condemn the coal
23 companies, the big boys, for destroying my water,
24 trying to take my land from me. A gentleman said
25 something about the Hatfields and McCoys. I guess

1 that's how I feel. I'm the fourth, fifth
2 generation of this property. I've had
3 contamination, a hydraulic wall, anti-freeze,
4 abandoned equipment, and everything else on this
5 property. It took eight years for me to get them
6 to pick up the garbage. I am not allowed to go
7 out here and change my oil or drain my radiator
8 into the ground. If everybody in this United
9 States of ours goes out and does that, can you
10 imagine what is going to happen to our water?

11 Right now, we are fighting for water in
12 Millers Creek. We have lead and arsenic in our
13 water. It is contaminate. We need help over
14 there. We need water. We don't need to pay for
15 taps. We don't need to pay for the waterline. We
16 don't mind paying the bill. But the whole thing
17 is, it is nice to have a job working for the
18 mines. It is nice to make \$22.7 billion for a
19 Christmas bonus, and I'm talking about the CEO for
20 a major company. Bring some of that money back
21 and give the poor people that don't have water and
22 some of the other things that they need around
23 here, what they -- what they made.

24 The miners, I praise them. They do a good
25 job. I am not a miner. I put nuts and bolts on

1 cars all my life. But I am a Kentuckian. I fill
2 out something on a form, "Where are you born and
3 raised?" I say, "Deane, Kentucky."

4 I am in here trying to tell you, we need
5 decent water. And if you are going to take and --
6 EPA, thank you. Because if we didn't have the
7 rules, it would be worse. Thank you.

8 (Applause)

9 MS. MacPHERSON: Thank you very much. Okay.
10 At this moment, I believe right now you are out --
11 oh. We have two, two more speakers. And then, as
12 far as I know, we don't have any other speakers
13 registered. We're going to take a 15 minute break
14 so that if others want to register to speak, we
15 will do so and then come back after the break.
16 But we'll hear from these last two right now.
17 Please go ahead.

18 PUBLIC SPEAKER: My name is Jack Earl Smith.
19 I am a small business person from Phelps. I run a
20 gas station, motel, laundry mats. And I've been
21 in business there for 35 years, do construction
22 business, paving, backhoe, and septic stuff. I
23 see myself as a small entrepreneur.

24 But I did work in the coal mines back in the
25 early 70s. For several years I was an

1 electrician, mechanic. And then I become a mine
2 foreman and got into the coal business for a
3 while. And the coal business -- coal is the top
4 dog in Pike County and eastern Kentucky. Without
5 coal, the money would dry up in my stream. I am
6 not foolish enough, like some people think, we
7 don't need coal. But we do need coal. But we
8 need to do it in a balanced approach. And
9 everybody gets hot on different issues.

10 But the truth of the matter is, in years past
11 the EPA and environmentalists and the regulators
12 have done some good. In the early 60s and the
13 50s, when I went hunting in the hills it was
14 dangerous to get up there and look down on the
15 valleys. But it has changed. I was against coal
16 strip mining at that time. But now it has grown
17 up, because of some nudging from government. And
18 smart coal operators, now they mine in a
19 reasonable way. Now it is a win-win situation for
20 the coal industry. Besides people making money,
21 feeding their families and feeding us other guys
22 that does other businesses, keeping the taxes paid
23 to balance the budget, it has become a win-win.

24 When you go on the mountaintop, I have got a
25 friend up there at the airport, it is a strip job,

1 and you see elk herds, you can see deers, you can
2 see all kinds of animals, the turkeys. And so --
3 and people live up there. They have got golf
4 courses at different places and different
5 businesses. So it's a win-win. And we need the
6 coal industry. And they are mining in a
7 reasonable way. And the EPA has been a benefit
8 some in the past. It hasn't all been bad.

9 I went to Chicago in the early 50s -- I mean
10 the 70s, really. And the air was so terrible you
11 couldn't breathe. But now it is improved. But
12 now you are bad on the landfills. It is not a
13 terrible thing. The streams, they want to say we
14 can't build the landfills on it. There is no
15 water there 95 percent of the time. So let them
16 do the landfills. You are getting too tough.
17 Back off some. We need you some, but don't overdo
18 it. Thank you.

19 MS. MacPHERSON: Thank you.

20 (Applause)

21 MS. MacPHERSON: Thank you. Okay. Next
22 speaker, please.

23 PUBLIC SPEAKER: Hello? Is this on?

24 MS. MacPHERSON: It is.

25 PUBLIC SPEAKER: All right. My name is Alex

1 Desha. That's D-e-s-h-a. I'm a member of the
2 Sierra Club, and I live in Letcher County,
3 Kentucky, and I can't drink the water.

4 You can walk by just about any holler with
5 surface mining and see poison water in dead
6 streams. There is a pattern of violations by coal
7 companies in regards to clean water. We are here
8 today because the state has failed us. The
9 Beshear Administration does not seem to care about
10 people or water. They seem more concerned about
11 the bottom line, of coal CEOs that pay themselves
12 \$6 million a year, fly around in their proud
13 helicopters, and vacation in their second homes
14 while they talk about the EPA killing jobs. They
15 do all this while they layoff real people.

16 They, like our state leadership, do not care
17 about people. Since they don't care about people,
18 they certainly don't care about clean water. They
19 want you, the EPA, to back down and lift your
20 objections or water them down so much that they
21 don't matter. This is a fact. Water quality is a
22 good indicator of human health. People living
23 near the destruction suffer disproportionate rates
24 of cancer, birth defects, and mortality. It is
25 clear the state is not up to the task, and coal

1 companies will not police themselves.

2 Do not listen to the fear being peddled by
3 the coal industry. I want you to hold the line
4 and revoke the state's authority to administer the
5 NPDES program. Thank you.

6 MS. MacPHERSON: Okay. Thank you.

7 (Applause)

8 MS. MacPHERSON: So at this time we are going
9 to take a 15 minute break. And maybe if you could
10 put the 15 minute clock up. If there are any
11 additional registrants, please go out to the front
12 and we'll come back and we'll close up the
13 hearing.

14 (1:40 p.m. BREAK 1:57 p.m.)

15 MS. MacPHERSON: Okay. As far as I know,
16 we've had no more registrations for people to
17 speak. Is that right?

18 So at this time, Jim will deliver the closing
19 remarks. And I just want to remind people that we
20 will vacate when we close and then re-open at
21 5 p.m. for the evening hearing. Thank you.

22 MR. GIATTINA: Thank you everybody for
23 hanging in there, those of you that are still
24 here. I do want to emphasize that I am very
25 pleased to be in Pikeville, Kentucky. And I want

1 to thank each of you for your participation at
2 this public hearing.

3 The comments, as I said at the outset, that
4 we receive, both oral and written, will be
5 considered and evaluated by the EPA in making its
6 decision regarding the permit objections. After
7 consideration of the administrative record, the
8 requirements of the Clean Water Act and its
9 regulations, the EPA Region 4 Regional
10 Administrator will make a determination concerning
11 the objections and will notify Kentucky
12 DOW, the district, and all persons having written
13 comments or oral statements if you provided a
14 mailing address to us. Additional information can
15 be obtained through the EPA's website.

16 And, again, thank you very much for your
17 participation. I know this is an important issue
18 for the people of this region. And if you have
19 any other questions or comments, you can always
20 reach the EPA through our website or through our
21 public information office.

22 So this hearing is now adjourned. Thank you.
23 (Public hearing concluded at 1:58 p.m.)
24
25

1 REPORTER'S CERTIFICATE

2 STATE OF KENTUCKY)

3 COUNTY OF FAYETTE)

4 I, LISA M. SCHWARZE, RPR, KyCCR, and Notary
5 Public in and for the Commonwealth of Kentucky at
6 Large, do hereby certify that the facts as stated by
7 me in the caption hereto are true; that the foregoing
8 proceedings as indicated were made before me by the
9 parties hereinbefore named, and were thereafter
10 reduced to computer-aided transcription by me and
11 under my supervision; and that the same is a true and
12 accurate transcript of the proceedings to the best of
13 my ability.

14 I further certify that I am not employed by,
15 related to, nor of counsel for any of the parties
16 herein, nor otherwise interested in the outcome of
17 this proceeding.

18 IN WITNESS WHEREOF, I have affixed my
19 signature and seal this 11th day of June, 2012.

20
21
22 LISA M. SCHWARZE, RPR, KyCCR
23 Notary Public, State-at-Large
24 2404 Doubletree Court
25 Lexington, Kentucky 40514
859.533.8961

My Commission Expires: June 13, 2013